

4/18/16

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Chapter No. 430
16/HR43/R1010SG
EWI /M

HOUSE BILL NO. 866

Originated in House



Clerk

HOUSE BILL NO. 866

AN ACT TO AMEND SECTIONS 97-13-1, 97-13-3, 97-13-5, 97-13-7, 97-13-9, 97-13-13, 97-13-15, 97-13-19, 97-13-21, 97-13-23, 97-13-25, 97-13-27, 97-13-29, 97-13-31, 97-13-33, 97-13-35, 97-13-36, 97-13-37 AND 97-13-39, MISSISSIPPI CODE OF 1972, TO REVISE THE PENALTIES FOR VIOLATION OF VARIOUS ELECTION CRIMES; TO CREATE SECTIONS 97-13-41, 97-13-43 AND 97-13-45, MISSISSIPPI CODE OF 1972, TO RECODIFY PROVISIONS IN CURRENT LAW THAT MAKE IT UNLAWFUL TO MAKE A FALSE ENTRY OR UNAUTHORIZED ALTERATION TO THE STATEWIDE ELECTIONS MANAGEMENT SYSTEM OR A POLL BOOK, MAKE IT UNLAWFUL TO TAMPER WITH OR DAMAGE VOTING MACHINES OR TABULATING EQUIPMENT, MAKE IT UNLAWFUL TO A VOTER TO ALLOW HIS OR HER BALLOT TO BE SEEN BY ANY PERSON OR MAKE A FALSE STATEMENT AS TO HIS INABILITY TO MARK A BALLOT; TO REPEAL SECTIONS 23-15-117, 23-15-531.13 AND 23-15-555, MISSISSIPPI CODE OF 1972, WHICH MAKE IT UNLAWFUL TO MAKE FALSE ENTRIES OR UNAUTHORIZED REVISION TO POLL BOOKS, WHICH MAKE IT UNLAWFUL FOR A VOTER TO SHOW HIS BALLOT TO ANY OTHER PERSON, MAKE A FALSE STATEMENT AS TO HIS INABILITY TO READ THE BALLOT OR INTERFERE WITH ANY VOTER INSIDE THE VOTING COMPARTMENT; TO PROVIDE PENALTIES FOR VIOLATIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 97-13-1, Mississippi Code of 1972, is amended as follows:

97-13-1. If any elector, manager, clerk or canvasser at any election, or any executive officer attending the same, shall

receive any gift, money, financial award, reward, or promise thereof or if any person shall offer such gift, money, financial award, reward, or promise thereof to influence any elector, clerk, canvasser, or any executive officer attending any election in his vote, opinion, action, or judgment in relation to such election, the person so offending shall, on conviction, be imprisoned in the State Penitentiary not more than two (2) years, or be fined not more than Three Thousand Dollars (\$3,000.00), or both; or in a county jail not more than one (1) year, or be fined not more than One Thousand Dollars (\$1,000.00), or both.

SECTION 2. Section 97-13-3, Mississippi Code of 1972, is amended as follows:

97-13-3. If any person shall offer or give a gift, money, financial award, reward or other promise thereof to another for the purpose of inducing him, by any unlawful means not amounting to bribery, to procure any person to vote at any election for or against any person or measure, the person so giving or offering such reward shall, upon conviction thereof, be imprisoned in the county jail not more than one (1) year, or fined not more than * * * One Thousand Dollars (\$1,000.00), or both.

SECTION 3. Section 97-13-5, Mississippi Code of 1972, is amended as follows:

97-13-5. Any such manager who shall proceed to any election without having the ballot box locked and secured in the manner directed by law, or who shall open and read or consent to any

other person opening and reading any ballot given him to be deposited in the box at such election, before it is put into the box, shall, upon conviction, be * * * imprisoned in the county jail not * * * more than one (1) year, or be fined not more than One Thousand Dollars (\$1,000.00), or both.

SECTION 4. Section 97-13-7, Mississippi Code of 1972, is amended as follows:

97-13-7. Any manager of * * * an * * * election who, before the votes are counted, shall dispose of or deposit the ballot box in a manner not authorized by law, or shall, at any time after the election has begun and before the ballots are counted, give * * * access to the ballot box with which he is entrusted to any other, shall, upon conviction, be * * * imprisoned in the county jail not * * * more than one (1) year, or be fined not more than Three Thousand Dollars (\$3,000.00), or both.

SECTION 5. Section 97-13-9, Mississippi Code of 1972, is amended as follows:

97-13-9. If any manager or clerk of any * * * election shall knowingly make or consent to any false entry on the list of persons voting, or shall permit to be put in the ballot box any ballot not given by a voter, or shall take out of such box, or permit to be so taken out, any ballot deposited therein except in the manner prescribed by law, or shall, by any other act or omission, designedly destroy or change the ballots given by the electors, he shall, upon conviction, be punished by imprisonment

in the State Penitentiary for a term not exceeding five (5) years,
or be fined not more than Five Thousand Dollars (\$5,000.00).

SECTION 6. Section 97-13-13, Mississippi Code of 1972, is amended as follows:

97-13-13. If any person shall take or remove any ballot from a voting place before the close of the polls, he shall, on conviction, be * * * imprisoned in the county jail not * * * more than one (1) year, or be fined not more than One Thousand Dollars (\$1,000.00), or both.

SECTION 7. Section 97-13-19, Mississippi Code of 1972, is amended as follows:

97-13-19. If any manager, clerk, or any other officer whatever, assisting or engaged in conducting any election, or charged with any duty in reference to any election, shall designedly omit to do any official act required by law, or designedly do any illegal act in relation to any * * * election, by which act or omission the votes taken at any such election in any district shall be lost, or the electors thereof shall be deprived of their suffrage at such election, or shall designedly do any act which shall render such election void, or shall be guilty of any corrupt conduct or partiality in his official capacity at such election, he shall, upon conviction, be imprisoned, in the * * * county jail not more than one (1) year, or be fined not more than Three Thousand Dollars (\$3,000.00), or both.

SECTION 8. Section 97-13-21, Mississippi Code of 1972, is amended as follows:

97-13-21. If any person shall unlawfully disturb any election * * * at a polling place, the office of the circuit clerk, or where ballots are located, such person shall be liable to indictment, and, on conviction, * * * be * * * imprisoned in the county jail not * * * more than one (1) year, or be fined not more than One Thousand Dollars (\$1,000.00), or both.

SECTION 9. Section 97-13-23, Mississippi Code of 1972, is amended as follows:

97-13-23. If any manager or returning officer shall fail or refuse to make return of the votes cast in any election, as required of him, he shall, on conviction, be imprisoned in the State Penitentiary not * * * more than two (2) years, or be fined not more than Three Thousand Dollars (\$3,000.00), or both; or in a county jail not more than one (1) year, or be fined not more than One Thousand Dollars (\$1,000.00), or both.

SECTION 10. Section 97-13-25, Mississippi Code of 1972, is amended as follows:

97-13-25. Any person who shall knowingly procure his or any person's registration as a qualified elector, when * * * the person whose registration is being procured is not entitled to be registered as such, or under a false name, or as a qualified elector in any other election * * * precinct than that in which he or she resides, shall, on conviction, be imprisoned in the State

Penitentiary for a term not to exceed * * * five (5) years, or be fined not more than Five Thousand Dollars (\$5,000.00), or both.

SECTION 11. Section 97-13-27, Mississippi Code of 1972, is amended as follows:

97-13-27. If any registrar appointed by law to register votes shall intentionally refuse or neglect to register any voter entitled to registration, or register any voter not entitled to registration, he shall be punished, on conviction, * * * be imprisoned in the State Penitentiary not more than two (2) years, or be fined not more than Three Thousand Dollars (\$3,000.00), or both; or in a county jail not more than one (1) year, or be fined not more than One Thousand Dollars (\$1,000.00), or both.

SECTION 12. Section 97-13-29, Mississippi Code of 1972, is amended as follows:

97-13-29. It shall not be lawful for any military officer or other persons to order, bring, or keep any troops of armed men at any place within a mile of the place where any * * * election is held, unless it be for the purpose of quelling a riot or insurrection, in the manner provided by law, or for the purpose of defense in time of war; and whoever shall violate the provisions of this section shall, on conviction, be * * * imprisoned in the county jail not more than one (1) year, or be fined not more than One Thousand Dollars (\$1,000.00), or both.

SECTION 13. Section 97-13-31, Mississippi Code of 1972, is amended as follows:

97-13-31. If any election officer or other person, except as authorized by law, shall aid or assist, or influence, a voter in preparing a ballot, or shall attempt so to do, he or she shall, on conviction, be * * * imprisoned in the county jail not more than one (1) year, or be fined not more than One Thousand Dollars (\$1,000.00), or both.

SECTION 14. Section 97-13-33, Mississippi Code of 1972, is amended as follows:

97-13-33. When * * * one who offers to vote at an election shall be objected to by any challenger as a person unqualified to vote, if the manager of such election shall permit him to vote without honestly considering his qualifications, or if any manager shall refuse the vote of such person without honestly considering his qualifications, or if any manager shall knowingly permit an unqualified person to vote, or shall knowingly refuse the vote of a qualified person, he shall, upon conviction, be * * * imprisoned in the county jail not more than one (1) year, or be fined not more than Three Thousand Dollars (\$3,000.00), or both.

SECTION 15. Section 97-13-35, Mississippi Code of 1972, is amended as follows:

97-13-35. (1) Any person who shall vote at any election, not being legally qualified, or who shall vote in more than one (1) county, or at more than one (1) place in any county or in any city, town, or village entitled to separate representation, or who shall vote out of the district of his legal domicile, or who shall

vote or attempt to vote in the primary election of one (1) party when he shall have voted on the same date in the primary election of another party, shall, * * * upon conviction, * * * be imprisoned in the county jail not more than one (1) year, or be fined not more than One Thousand Dollars (\$1,000.00), or both.

(2) Any person who shall vote in the second primary election of one (1) party when he voted in the first primary election of another party preceding the same regular, special, or general election shall, upon conviction, be guilty of a misdemeanor and be imprisoned in the county jail not more than six (6) months, or be fined not more than Five Hundred Dollars (\$500.00), or both.

SECTION 16. Section 97-13-36, Mississippi Code of 1972, is amended as follows:

97-13-36. Any person who shall knowingly vote at any election in more than one (1) county or at more than one (1) place in any county, municipality or other political subdivision with the intent to have more than one (1) vote counted in any election shall be guilty of the crime of multiple voting and, upon conviction, shall be * * * imprisoned in the State Penitentiary not more than five (5) years, or be fined not more than Five Thousand Dollars (\$5,000.00), or both; or in a county jail not more than one (1) year, or be fined not more than One Thousand Dollars (\$1,000.00), or both.

SECTION 17. Section 97-13-37, Mississippi Code of 1972, is amended as follows:

97-13-37. Whoever shall procure, or endeavor to procure, the vote of any elector, or the influence of any person over other electors, at any election, for himself or any candidate, by means of violence, threats of violence, or threats of withdrawing custom, or dealing in business or trade, or of enforcing the payment of a debt, or of bringing a suit or criminal prosecution, or by any other threat or injury to be inflicted by him, or by his means, or shall violate any provision of Section 23-15-871 or 23-15-874, shall, upon conviction, be * * * imprisoned in the county jail not more than one (1) year, or be fined not more than Three Thousand Dollars (\$3,000.00), or both.

SECTION 18. Section 97-13-39, Mississippi Code of 1972, is amended as follows:

97-13-39. (1) If any person shall, by illegal force, or threats of force, prevent, or endeavor to prevent, any elector from giving his vote, he shall, upon conviction, be * * * imprisoned in the county jail not more than one (1) year, or * * * be fined not more than Three Thousand Dollars (\$3,000.00), or both.

(2) If any person shall, utilize the requirements to provide voter identification to intimidate a voter, or to prevent a person from voting who is otherwise qualified to vote shall, upon conviction, be imprisoned in the State Penitentiary not more than five (5) years, or fined not more than Five Thousand Dollars (\$5,000.00), or both.

SECTION 19. This section shall be codified as Section 97-13-41, Mississippi Code of 1972:

97-13-41. Any person who shall knowingly make a false entry, unauthorized revision, removal, or alteration in the Statewide Elections Management System or poll book, shall, upon conviction thereof, be imprisoned in the State Penitentiary for a term not exceeding ten (10) years, and be liable to the action of the aggrieved party.

SECTION 20. This section shall be codified as Section 97-13-43, Mississippi Code of 1972:

97-13-43. Any person who willfully tampers with or damages any voting machine or tabulating computer or device to be used or being used at or in connection with any election or who prevents or attempts to prevent the correct operation of any voting machine or tabulating computer or device shall be guilty of a felony and, upon conviction, be punished by imprisonment for not more than ten (10) years, or be fined Five Thousand Dollars (\$5,000.00), or both.

SECTION 21. This section shall be codified as Section 97-13-45, Mississippi Code of 1972:

97-13-45. Any voter who shall, except as provided by law, allow his ballot to be seen by any person, or who shall make a false statement as to his inability to mark his ballot, or who shall place any mark upon his ballot by which it can afterwards be identified as the ballot voted by him, shall be punished by a fine

of not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00).


SECTION 22. Sections 23-15-117, 23-15-531.13 and 23-15-555, Mississippi Code of 1972, which make it unlawful to make false entries or unauthorized revision to poll books, which make it unlawful for a voter to show his ballot to any other person, make a false statement as to his inability to read the ballot or interfere with any voter inside the voting compartment, are repealed.

SECTION 23. This act shall take effect and be in force from and after January 1, 2017.

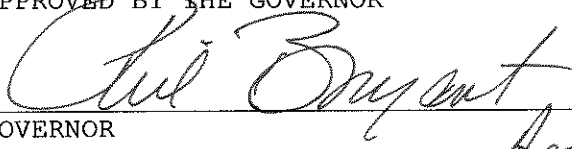
PASSED BY THE HOUSE OF REPRESENTATIVES
March 1, 2016


SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 30, 2016


PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR


GOVERNOR

April 18, 2016
9:43 AM